

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-002-0009A

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed March 8, 2001 (Doc. No. 6210) in connection with subfile CHGA-002-0009A and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The Consent Order filed March 8, 2001 (Doc. No. 6210) in subfile CHGA-002-0009A incorrectly listed the Cordova/Martinez Ditch as the ditch and point of diversion associated with the water rights and irrigated acreage (1.2 acres) in this subfile. The ditch and point of diversion associated with this acreage is the Valdez Ditch; X = 1,479,666; Y = 1,900,246.

3. The Court should correct the ditch name and point of diversion in the Consent Order filed March 8, 2001 in subfile CHGA-002-0009A.

4. The State has sought the approval of defendant Daniel K. Gonzales for making this correction but has not received a response. Defendant Gonzales was substituted as party defendant in

this subfile by Order filed February 15, 2002 (Doc. No. 6532) for the original party that signed and approved the Consent Order filed March 8, 2001 (Selustriano Gonzales, Jr.).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order correcting the clerical error described above.

Respectfully submitted,

/s/ Ed Newville
EDWARD G. NEWVILLE
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion for Substitution of Parties was mailed to following this 17th day of March 2006:

Daniel K. Gonzales
P.O. Box 6
Gallina, NM 87017

and transmitted by ACE filing to the following this 17th day of March 2006:

Special Master Vickie L. Gabin
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/s/ Ed Newville
Edward G. Newville